HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI C.V.NAGARJUNA REDDY

WRIT PETITION No.19830 of 2006

Between:

M/s Datta Sai Aqua Minerals
Lingapuram, Macherla Mandal,
Guntur District
rep. by its Proprietor,
Sri G.A.Linga Raju,
S/o Venkata Rama Raju
Aged 39 years

… Petitioner

AND

The State of Andhra Pradesh
rep. by its Secretary,
Municipal Administration,
Secretariat buildings, Hyderabad
and another

… Respondents

ORDER

Counsel for appellants : Shri Kranthi Kiran
for Shri Ch.Samson Babu

16-11-2006

Per Shri G.S.Singhvi, CJ

In this petition, the petitioner has prayed for grant of a declaration that action of the Municipal Commissioner, Macherla Municipality, Guntur District (respondent No.2) in closing its business of manufacturing and supply of packaged drinking water is illegal and violative of Articles 14, 19(1)(g) and 21 of the Constitution. The petitioner has further prayed for issue of a direction to the respondents not to interfere with the manufacture and supply of packaged drinking water.

We have heard Shri Kranthi Kiran, learned counsel for the petitioner and perused the record.

In the affidavit filed by Shri G.A.Linga Raju, proprietor of the petitioner unit, it has been averred that the petitioner has obtained valid licence for manufacture of packaged drinking water and supply of the same in 20 litre containers. The deponent has further averred that respondent No.2 forcibly closed the manufacturing of packaged drinking water and this has resulted in violation of Articles 14 and 19(1)(g) of the Constitution.

In the context of the averments contained in the affidavit of Shri G.A. Linga Raju, we asked the learned counsel to show whether, as per the requirement of Indian Standard Act, the petitioner has obtained certificate from the Bureau of Indian Standards for manufacture of packaged drinking water. To this, learned counsel could not give any reply. It is, therefore, reasonable to presume that the petitioner is engaged in the manufacture of packaged drinking water without obtaining certificate from the Bureau of Indian Standards. This being the position, we do not find any justification to issue a mandamus to the respondents including respondent No.2 to allow the petitioner to

continue the activity of manufacturing the packaged drinking water.

For the reason stated above, the writ petition is dismissed. However, liberty is given to the petitioner to apply for grant of certificate by Bureau of Indian Standards. As and when the required certificate is issued, the petitioner shall be free to re-start its unit for manufacture of packaged drinking water.

As a sequel to dismissal of the writ petition, W.P.M.P.No.25013 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

16-11-2006

bsc